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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/549,435

09/15/2005

Heather R. Schramm

CU-4384 RJS

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EXAMINER

KASENGE, CHARLES R

ART UNIT

PAPER NUMBER

2125

MAIL DATE

DELIVERY MODE

12/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/549,435

Applicant(s)

SCHRAMM ET AL.

Examiner

Charles R. Kasenge

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 and 28-44 is/are rejected.
- 7) ☒ Claim(s) 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/13/06, 6/12/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 7, 8, 10-26, 29-36 and 38-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Murayama et al. U.S. Patent 6,282,458. Regarding claims 1, 8, 10, 12, 21, 26, 33-36 and 38-40, Murayama discloses a volatile substance dispensing system comprising: a plurality of electromechanical volatile substance dispensers, each configured to emit a volatile substance from a replaceable volatile substance reservoir when the reservoir is loaded in the dispensing system so as to communicate the volatile substance to each respective dispenser (Fig. 1, #102; Fig. 6, #A1-A16); a programmable microprocessor for controlling the emission of different volatile substances from the plurality of dispensers (col. 4 and 5, lines 63-30); and a memory card reading device for reading program information from a replaceable memory card (col. 9, lines 22-37), wherein the replaceable memory card comprises information relating to one or more programs for instructing the microprocessor to control volatile substance emission from the plurality of dispensers in a coordinated manner (col. 9, lines 22-37; Fig. 16C).

Regarding claims 2, 13, 22, 29 and 41, Murayama discloses a volatile substance dispensing system according to claim 1, wherein the dispensing system further includes a continuous action air freshener (col. 6, lines 1-19).

Regarding claims 3, 11, 14, 23, 30 and 42, Murayama discloses a volatile substance

dispensing system according to claim 1, wherein the volatile substance is selected from the group consisting of fragrance, insect repellant, insecticide, disinfectant, sanitizer, and water (col. 6, lines 1-19).

Regarding claims 4, 16, 24, 31 and 43, Murayama discloses a volatile substance dispensing system according to claim 1, further comprising a sensor for sensing at least one of light intensity, airborne chemicals, humidity, sound, motion, and temperature, wherein the microprocessor controls the emission of the volatile substances at least partially based on information relating to a sensed condition output from the sensor (col. 9, lines 4-21).

Regarding claims 5, 17, 25, 32 and 44, Murayama discloses a volatile substance dispensing system according to claim 1, further comprising a user interface, wherein the user interface allows a user to instruct the microprocessor to control the emission of the volatile substances (col. 6, lines 15-19).

Regarding claim 7, Murayama discloses a volatile substance dispensing system according to claim 1, wherein the memory card reading device is an optical scanner that reads information displayed on the memory card (col. 9, lines 22-37).

Regarding claim 18, Murayama discloses a volatile substance dispensing system according to claim 12, wherein the microprocessor controls the plurality of volatile substance dispensers (i) to emit intermittent bursts of a first volatile substance over a first period of time, (ii) to emit intermittent bursts of a second volatile substance over a second period of time following the first period of time, and (iii) to repeat the first and second periods (col. 9, lines 22-37; Fig. 16C).

Regarding claim 19, Murayama discloses a volatile substance dispensing system

according to claim 12, wherein the microprocessor controls the plurality of volatile substance dispensers to emit repeatedly (i) intermittent bursts of a first combination of volatile substances from different reservoirs over a first period of time, and (ii) intermittent bursts of a second combination of volatile substances from different reservoirs over a second period of time (col. 9, lines 22-37; Fig. 16C).

Regarding claim 20, Murayama discloses a volatile substance dispensing system according to claim 12, wherein the microprocessor controls the plurality of volatile substance dispensers to emit repeatedly (i) intermittent bursts of a combination of volatile substances from different reservoirs over a first period of time, and (ii) intermittent bursts of a single volatile substance from one reservoir over a second period of time (col. 9, lines 22-37; Fig. 16C).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 9, 28 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murayama in view of Official Notice. Murayama does not disclose a volatile substance dispensing system wherein the memory card is a flash memory device. However it would be obvious to one of ordinary skill in the art to use a flash memory device for Murayama's invention.

Allowable Subject Matter

5. Claim 27 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R. Kasenge whose telephone number is 571 272-3743. The examiner can normally be reached on Monday through Friday, 8:30 - 5 pm.

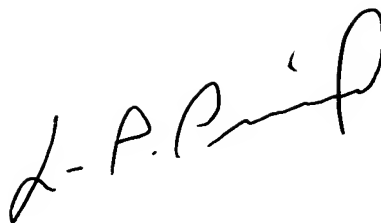
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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CK
December 6, 2007

A handwritten signature in black ink, appearing to read "L. A. Picard", written diagonally across the page.

LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100